

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

APPLIMATION, INC. f/k/a
CRYSTALLIZE, INC.,
a Delaware corporation,

Case No. 1:05-cv-00372-JD

Plaintiff,

v.

Hon. Joseph A. DiClerico, Jr.

JOHN SOSNOWSKI, an individual,
and LOGICAL APPS, INC., a California
corporation,

Defendants.

STIPULATED ORDER OF DISMISSAL WITHOUT PREJUDICE

WHEREAS, Plaintiff Applimation, Inc. f/k/a Crystallize (“Applimation”) initiated this action by the filing of a Complaint for Injunctive and Other Relief (“Complaint”) on October 21, 2005;

WHEREAS, Defendants John Sosnowski (“Sosnowski”) and Logical Apps, Inc. (“Logical Apps”) have each appeared in this action through counsel, have received copies of the Complaint and all other pleadings filed by Plaintiff, and hereby waive any objection as to proper service;

WHEREAS, the Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. §1332(a); and

WHEREAS, the Court has personal jurisdiction over each of the Defendants because they reside and/or maintain continuous and systemic business contacts with the State of New Hampshire, and/or because the events giving rise to this action, or a substantial part thereof, occurred here;

NOW THEREFORE, Plaintiff Applimation and Defendants Sosnowski and Logical Apps, by and through their attorneys, hereby stipulate as follows:

1. The above-titled matter shall be dismissed without prejudice and without the award of costs or attorney fees as to all parties.
2. The parties have entered into a Stipulation of Settlement dated October 28, 2005, and as filed with the Court on October 31, 2005, resolving their dispute.
3. This court shall retain jurisdiction for one year from the date of filing of the Stipulation of Settlement in order to enforce its terms.

APPLIMATION, INC. f/k/a CRYSTALLIZE, INC.

By Its Attorneys,

MILLER, CANFIELD, PADDOCK & STONE P.L.C.

Date: November 2, 2005

By: /s/ David A. French
David A. French (admitted *pro hac vice*)
101 N. Main St., 7th Floor
Ann Arbor, MI 48104-1400
(734) 663-2445

LOGICAL APPS, INC.

By Its Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL CORPORATION

Date: November 2, 2005

By: /s/ Wilbur A. Glahn, III
Wilbur A. Glahn, III, Bar No. 937
900 Elm Street, P.O. Box 326
Manchester, NH 03105
(603) 625-6464

JOHN SOSNOWSKI

By His Attorneys,

SHEEHAN, PHINNEY, BASS + GREEN

Date: November 2, 2005

By: /s/ Peter S. Cowan

Peter S. Cowan, Bar No. 182
1000 Elm St., P.O. Box 3701
Manchester, NH 03105-3701
(603) 668-0300

IT IS SO ORDERED.

Date: November 3, 2005

/s/ Joseph A. DiClerico, Jr.

Honorable Joseph A. DiClerico, Jr.